G. R. S. IX-5]

Previous references.
755-08
(1-10)

1917.
(Miscellaneous)

File No. 208

Serial Nos. 1

Later references.
5360-17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2.

Part B for Nov-17

SUBJECT.

Appn. of Mr. G. Ashwathanarayana Rao Executive Engr Mysore Divn. for permn. to change the object of his Charitable endowment of Rs 4000/ accepted by Govt in G.O. No 2764 Misc. 755-08-10. dt 25-4-17.

To. The Executive Engineer. Mysore Divn.

No 1113 dt 16-11-17.

Returns the appn.

W D 88—GPB—50,000—24-7-16

Vandarame
Bor. VII dt 11-12-17

1917-18

GENERAL AND REVENUE SECRETARIAT.

(Mlry)

NOTES.

File No. 208 17

FILE HEADING.

Application of Mr. Y. Aswathanarayana Rao, Executive Engr., Mysore Division, for permission to change the object of his charitable endowment of Rs 4000/- accepted by Govt in G.O. No. 2767-9/Mlry 755-08-10 & 25-4-11.

From

Mr. Y Aswathnarayana Rao, Executive Engr., Mysore Dn.

No. Appln Dated 3-10-17 Received 4-10-17

Diary No. 632	Enclos. —	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction to endow to the Mysore University the whole amount of Rs 4000/- endowed by him for the conduct of certain sevas at Yedatore and accepted by Govt in their Proc. No. 2767-9/Mlry 755-08-10 & 25-4-11.

P

NOTES AND ORDERS.

P

specified in the G.O.

In G.O. No. 2767-9/Mlry 755-08-10 & 25-4-11 an endowment of Rs 4000 made by Mr. Aswathnarayana Rao for certain sevas in Yedatore was accepted and 4% interest was allowed thereon. It will be seen from the preamble to the order that certain lands

NOTES—First Sheet.

WD 1232—GPB—20,000—18 11 18

MD 1233- GPL—60,000—1-12-16—S.

Serial No.

were set apart by Mr. Nr. Aswathnarayan Row's father for the conduct of certain services at Yedatore. The money value of the lands having fallen short of the required minimum of Rs 3000/- under the Charitable Deposit Rules of 1904, Mr. Aswathnarayan Row offered to Deposit Rs 4000 with Govt., in lieu of the lands set apart by his father, for the conduct of not only the services intended by him, but also certain minor ones. As the present proposal of Mr. Aswathnarayan Rao is to change the object of the charity and endow the whole amount to the Mysore University, it is a point for consideration and orders whether at this stage he could be permitted to change the object of charity intended & willed by his father -

~~The views expressed by the Secretary~~ in a similar case of Deposit by Nyregowda (1660-15) is so to show that the proposal cannot be accepted.

Mr. Aswathnarayan Rao, however, proposes to retain 3 Sewas costing in all Rs 15/- annually and to ~~invest~~ deposit Rs 300/- in the Treasury, if 5% is allowed thereon. So long as Govt. allow the enhanced rate of int-

NOTE—Contn. sheet.

(3)

632

MD 1233- GPL—60,000—1 12-16—S.

G R. S. III-2]

General and Revenue Secretariat.

Mysg File No. 208 of 1917.

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on Savings Bank fixed deposits of more than one year, Mr Narasimharayanrao may draw interest at 5% on his deposit.

Subd for orders. (Copy of G O no 5045-983/1/1 Ad 31-16-8 passed in connection with the endowment of Mr Ugregowda is also put up).

8-10-17

9/10/17

9-10-17

The request seems to be inadmissible on the following grounds: (i) the existing endowment was made chiefly to carry out the wishes of a deceased testator, who had set apart valuable lands for the purpose; (ii) there has been no failure in the object of the charity; (iii) the donor of an endowment has no right to interfere with the object unless, at the time of making the endowment, he expressly reserved to himself the right to do so para IV(6) of the Rules of 1909 is clear on the point; and (iv) the language of Mr A Rao's previous applications, having proved that there were other co-donors with him, it is not clear now what those persons have to say in the matter.

The Landlord Object

NOTE—Contn. sheet.

(4)

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Mun. File No. 208 of 1917.

Serial No.

which Mr A. Rao has in view may be met by a new endowment which will bring him testing (exist-ence)

VS. 9/10/17

Rs 3375 out of the deficit of Rs 4000 represents the value of certain lands bequeathed by Mr G. A. Rao's father for a specific charity — in this case a religious one — and he has no right to divert it to a totally different object however praiseworthy the latter may be — according to our western views ~~of this thing~~. The actual value of the bequest is estimated at ~~about~~ Rs 2000 and to this extent at least no change can be allowed.

It is interesting that Mr A Rao had instituted a few years ago and that there seems alone he is anxious to provide for. Consult the Govt advocate as to whether a diversion is permissible.

VS 10/10/17.

10.10.17

P 20

(5)

MD 12 3—G 1 D—GC CCC—1 12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Army File No. 208 of 1917.

Serial No.	
U.O 16.2 9.12.10.17	Forwarded with compliments to the Govt Advocate in Mysore for favour of opinion. By Order M Ramaswamy 10 Octbr 1917 For Joint Secretary to Govt 11/10/17
U.O No 21 of 17-18	So far as the Charitable bequests of Mr. Ashtakaranam Rao Father are Concerned the position of Mr. Ashtakaranam Rao is that of a Trustee and any diversion of the objects of the trust so long as there is no failure thereof cannot be unauthorised. If the Servas & Charities in respect of which the endowments is made are attached to many or Institutions Govt as representing these beneficiaries have a right to insist upon the original intention of the testator in so far as it affects the interests of the said beneficiaries not being altered to the detriment

NOTE—Contn. sheet.

(b)

G. R. S. 12]

General and Revenue Secretariat. | File No. 211 of 1917.

Serial No.

In their Capacity as depositees of the trust fund Govt have also the right to enforce the Conditions subject to which the Trust fund was accepted on favorable terms of interest. One of such conditions is that the depositee has no right to use the interest payable by Govt to any other than the one in respect of which the Charitable Endowment was made and accepted as such by Govt. There is no room for calling into aid the application of the doctrine of Cypres

Endowments
Govt Secretariat

3.10.17

Submitted
and
18/10/17 Secy) 18/10/17

Draft a reply to Mr. G a Rao on the above lines

Sd
6.10.17 C.T.D

Sd
21/10

NOTE—Contn sheet

(7)

6 3 N

MD 12/3—G 1 D—6(CCC—1 12-16—S.

G R. S. III-2]

General and Revenue Secretariat.

Mis File No. 208 of 1917.

Serial No.

[As it frames part. to be one of similar cases that will arise after the Act is in force.]

dl 11

Two alternative drafts, one in the form of a letter and the other in the form of Progn, are subd.

SD 23-10-17 27/10/17 Draft endorsement may be approved.

28/10/17

Seen)

I have had a personal talk with Mr. G. A Nair. He is willing to have the original intentions after to be carried out and withdraw his present application. I accordingly put up a simple draft. allowing personal communication and returning the application

6-11-17

7/11/17

Submitted with a draft appl

8/11/17

Seen)

Appl as D.O

10-11-17

10/11/17

2 No. 1113 dt 16-11-17, to Mr. G. Bruce Narain Rao, informing him that as agreed upon in personal talk with Secy, further proceedings in the request in SC, supra is suspended

NOTE—Contn. sheet.

(8)

G. R. S. VI—G/32]

SUBJECT Declines to accept the proposal of Mr Y. Aswathnarayana Rao, Executive Engr, Mysore, to transfer to the Mysore University the deposit of Rs 4000/- made by him for certain services in Yedatore

Diary No. of letter replied to.... 32

Section

File No.

Serial No.

GENERAL AND REVENUE SECRETARIAT,

( )

, the *191* .

No.

Date of issue

To

Y. Aswathanarayana Rao Esqr.

Executive Engineer, Mysore.

~~Sir~~,

With reference to ~~your~~ his letter dt 3-10-17 requesting ~~permission~~ Sanction of Govt. to ~~transfer~~ to endowment to the Mysore University ~~your~~ the deposit of Rs 4000/- received by Govt in their Proc. No. 2767-9/ Mug-755-08-10 dt 25-4-11 for the conduct of certain ~~Engineering and~~ Charitable And Anuchanam Services in Yedatore, I am directed ~~to state~~ informed that as the ~~endowment~~ deposit in question represents

Mr Y. Aswathanarayana Rao is

the value of certain lands bequeathed
by ~~your~~ his father for a specific charity
— in this case a religious one — ~~your~~ his
position so far as the charitable
bequests of ~~your~~ his father are concerned
is that of a Trustee and any diversion
of the object of the trust, so long
as there is no failure thereof, will
be unauthorized ~~and moreover the is well aware~~
and cannot be permitted. ~~He~~ One of the
conditions subject to which the ~~Trust~~ deposit
~~Fund~~ was accepted on favorable terms
of interest, is that the depositor has
no right to use the interest payable
by Govt. for any ~~other~~ purpose other
than the one in respect of which
the charitable endowment was made
and accepted. and as the services
in respect of which the endowment
is made are attached to Mugrai
Institutions, Govt. as representing
these beneficiaries, have a right to
insist upon the original intention
of the testator, in so far as it

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15 11 16

(10)

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

affects the interests of the said beneficiaries, not being allowed to be defeated. For the aforesaid reasons, Govt regret their inability to accept your proposal.

I have etc
By order

J^t Secretary
Army Dept.

SD 23.10.17

KB 25/10/17

27/10/17

(11)

G. R. S. 26]

File No. 208-1/1

Serial No. 2

Diary No. of letter replied to 632

No. 1113 Ency 2

D.O

General and Revenue Secretariat

( )

, the 191 .

To

Mr. Y Aswatha Narayana Rao
Executive Engineer
Mysore Dn.

Date of issue 16.11.1917

Signed by M. N. Sadasiva Rao

Dear Sir,

~~With reference to your~~ and 1st Nov. 1917 applications dated 3rd Oct. 17 soliciting sanction of Govt to transfer ~~for endowment~~ to the Mysore University the deposit of Rs 4000 accepted by Govt in their P No: 2767-9 Revy 7535 08-10 & 25-4 11 for the conduct of certain

over.

Advising to the Executive Engineer Mysore Division that the matter will attend to after getting further action from

SUBJECT.

charitable services in Yedatore
and Chunchinakatte temples,
~~I am directed to return~~ return your application
~~Since~~ I have in your
~~Head~~ ~~you had a~~ personal
~~Conversation~~ ~~with~~ with the Joint Secretary
at Camp Mysore, ~~and that is~~
~~that conversation~~ you
~~have~~ expressed your willingness
to have the original intention
of the testator - your father -
carried out and to withdraw
your present application;
~~and to return your application~~
~~in these circumstances.~~

I remain
yours sincerely
&c.

~~I have~~

~~For~~ Joint Secy

List of enclosures,

TD
6/11/17

and
8/11/17

Copied by

Examined by

GPB—25,000—8 8-11.